

**United States District Court
Western District of Washington
Tacoma Division**

John Doe #1, et al.,

No. 3:09-CV-05456-BHS

Plaintiffs,

The Honorable Benjamin H. Settle

V.

Plaintiffs' Pretrial Statement

Sam Reed, et al.,

Defendants.

Come now Plaintiffs and, pursuant to Local Rule 16(h), serve upon counsel for all other parties this Pretrial Statement.

Federal Jurisdiction

Jurisdiction in this case arises under federal question jurisdiction, under 28 U.S.C. § 1331, because this is an action arising under the First and Fourteenth Amendments to the U.S. Constitution, and under federal statute under 42 U.S.C. § 1983.

Claim for Relief

At trial, Plaintiffs intend to pursue their second claim set forth in their complaint, namely that Washington's Public Records Act is unconstitutional as applied to R-71 petition signers because there is a reasonable probability that, if exposed, R-71 signers will be subjected to threats, harassment, or reprisals.

Admitted Facts

Plaintiffs assert in good faith that there is no dispute as to the following facts:

1. In November 2009, Referendum 71 (“R-71”) appeared on the ballot in Washington. R-71 asked Washingtonians to reject or affirm Senate Bill 5688 (“SB 5688”), which granted same-sex partners a host of legal rights and obligations popularly described as “everything but marriage.”
2. Plaintiffs, together with the help of other Washingtonians, worked to get R-71 on the ballot. To do so, Plaintiff Protect Marriage Washington submitted 137,881 signatures to the Secretary of State. After completing its verification process, the Secretary of State officially certified R-71 for the ballot. At the November 2009 election, Washingtonians voted to affirm SB 5688.
3. Protect Marriage Washington organized in May 2009 for the express purpose of opposing SB 5688, first, by collecting enough signatures to force a referendum, and then, by actively promoting the rejection of SB 5688 at the polls.
4. Under Washington’s Public Records Act, citizen groups have requested the names and addresses of R-71 petition signers. At least two groups have publicly indicated their intent to publish those names on their web sites, in searchable format.

5. Before, during, and after the debate over R-71, persons supporting traditional marriage, both in Washington and throughout the country, were subjected to threats, harassment, and reprisals.¹

6. There have been death threats; physical assaults and threats of violence; vandalism and threats of destruction of property; arson and threats of arson; angry protests; lewd and perverse demonstrations; intimidating emails and phone calls; hate mail; mailed envelopes containing white suspicious powder; multiple web sites dedicated to blacklisting those who support traditional marriage and similar causes; loss of employment and job opportunities; intimidation and reprisals on campus and in the classroom; acts of intimidation through photography; economic reprisals and demands for “hush money”; and gross expressions of anti-religious bigotry, including vandalism and threats directed at religious institutions and religious adherents.²

7. Protected speech and association has been chilled because of the prospect of reprisals.

Plaintiffs' Factual Contentions

1. The threats, harassment, and reprisals listed above are attributable to the respective victims' stance in favor of traditional marriage or similar causes.

Issues of Law

1. Whether, as a threshold matter, the exposure exemption test is available only to “minor parties.” And if so, what is a “minor party”?
2. Whether Plaintiffs are permitted, as a matter of law, to point to evidence of threats,

¹ By this statement, Plaintiffs mean to say only that there is at least *some evidence* of threats, harassment, and reprisals. Plaintiffs fully recognize that the State and the Intervenors object (1) as to the reason *why* those incidents arose, (2) as to whether police response was fully capable of dissipating such incidents, and (3) as to the magnitude of these incidents (i.e., whether the evidence in the case rises to the level of what is needed for an exposure exemption to issue).

(For example, the State and Intervenors argue that Plaintiffs do not know, and cannot know, *why* an unidentified male telephoned the home of a Washington woman and threatened to kill her and her family. Similarly, the State and Intervenors contend that the police response to that phone call was adequate to address the incident. But the State and Intervenors do not dispute, insofar as Plaintiffs understand their respective positions, that the phone call actually took place.)

² In conjunction with this statement, Plaintiffs wish to highlight Local Rule 16.1, under the “Admitted Facts” portion of the example provided there. That example clearly states that the parties are to “[e]numerate every agreed fact, irrespective of admissibility, but with notation of objections as to admissibility.” Plaintiffs understand that the opposing Parties respectively object to much of Plaintiffs’ evidence on admissibility grounds. For purposes of this statement, Plaintiffs have disregarded such objections (fully expecting the Parties to note their objections).

1 harassment, and reprisals directed at other groups, within and without the State of
2 Washington, who supported traditional marriage or similar causes.

3 3. Whether the exposure exemption test includes, as a necessary element, law enforcement's
4 unwillingness or inability to respond to threats, harassment, or reprisals.
5 4. Whether the exposure exemption test is indeed flexible, or whether the Plaintiffs must make
6 out their case just as they would any other civil action for damages.

7 **Witnesses**

8 Each of the witnesses listed below, if called to testify, would testify to instances of threats,
9 harassment, or reprisals.

10 1. **REDACTED**

11
12
13 2. **REDACTED**

14
15
16
17 3. **REDACTED**

18
19
20
21 4. **REDACTED**

22
23
24
25 5. **REDACTED**

1 Redmond, WA 98052

2 6. **REDACTED**

3
4 **REDACTED**
5 Issaquah, WA 98029

6 7. **REDACTED**

7 Edmonds WA 98020

8 8. **REDACTED**

9 Edmonds WA 98020

10 9. **REDACTED**

11 Arlington, Washington 98223

12 10. **REDACTED**

13
14 Olympia, WA 98503

15 11. **REDACTED**

16 Olympia, WA 98503

17 12. **REDACTED**

18
19 Vancouver, WA 98662-6718

20 **REDACTED**

21 Richfield, WA 98642

22 13. **REDACTED**

23 Vancouver, WA 98662-6718

24 **REDACTED**

25 Richfield, WA 98642

26 14. **REDACTED**

27 Spokane, WA 99201

28 **REDACTED**

Spokane, WA 99224

1 15. REDACTED

2 Kelso, Washington 98626

3 REDACTED

4 Longview, WA 98632

5 16. REDACTED

6 REDACTED

7 Arlington, WA 98223

8 17. REDACTED

9 Terre Haute, Indiana 47807

10 REDACTED

11 Clearwater, FL 33759

12 18. REDACTED

13 Terre Haute, Indiana 47807

14 REDACTED

15 Kelso, WA 98626

16 19. REDACTED

17 Spokane, WA 99201

18 REDACTED

19 Spokane, WA 99207

20 **Exhibits**

21 1. "christian BIGOT" letter addressed to REDACTED

22 2. News report: Brad Shannon, *Vote on Partners Divides Country*, Olympian, Oct. 18, 2009.

23 3. Transcript of voice mail messages left by Krystal Mountaine, for REDACTED.

24 4. Protect Marriage Washington (or to REDACTED in his capacity as
25 REDACTED for Protect Marriage Washington).

26 5. Photographs of vandalized R-71 yard signs.

27 6. Video: Gay Activist Attacks Female Christian Missionary In SF (YouTube video of
28 FoxNews coverage Nov. 21, 2008), http://www.youtube.com/watch?v=TqCXON-xwqPs&feature=player_embedded.

7. Video: Gay Mob Threatens Church Group - U.S. - CBN News (YouTube video of local news broadcast posted by Nov. 23, 2008), http://www.youtube.com/watch?v=jdvvkVNS_zo&feature=related.

- 1
- 2 8. Video: Christians Assaulted in San Francisco (YouTube video posted by PublicFreedom
Nov. 20, 2008), www.youtube.com/watch?v=nTuqXiHzZtk.
- 3 9. Video: EMU officials: Change your beliefs or leave the Counseling Program, (YouTube
video posted by SpeakUpUniversity on Aug. 3, 2009),
http://www.youtube.com/watch?v=7zsfcqKIL5s&feature=player_embedded.
- 4 10. Video: Speak Up, *Student Story: Julea Ward*,
<http://www.speakupmovement.org/StudentStories/Details/6427> (last visited June 29,
2011)
- 5 11. Video: Protect ALL Washington Families: Decline to Sign Referendum 71, (Posted on
YouTube by Declinetosign71 on July 14, 2009), <http://www.youtube.com/watch?v=iZOK42kJSGw>.
- 6 12. Video: John Ritchie, *Pro-Homosexual Advocate Destroys Traditional Marriage Banner
in New York* (TFP Student Action video June 6, 2011),
[http://www.tfpstudentaction.org/what-we-do/street-campaigns/video-pro-homo-
sexual-advocate-destroys-traditional-marriage-banner-in-new-york.html](http://www.tfpstudentaction.org/what-we-do/street-campaigns/video-pro-homo-
sexual-advocate-destroys-traditional-marriage-banner-in-new-york.html).
- 7 13. Video: John Ritchie, *Pro-Homosexuals at Brown University Respond to Peaceful TFP
Rally with Violence* (TFP Student Action video Mar. 23, 2011),
[http://www.tfpstudentaction.org/what-we-do/street-campaigns/video-pro-homosexuals-
at-brown-university-respond-to-peaceful-tfp-rally-with-violence.html](http://www.tfpstudentaction.org/what-we-do/street-campaigns/video-pro-homosexuals-
at-brown-university-respond-to-peaceful-tfp-rally-with-violence.html).
- 8 14. Video: CNN News (CNN television broadcast Nov. 23, 2010),
www.cnn.com/video/#/video/bestoftv/2010/11/23/exp.nr.gay.bullying.savage.cnn?iref=alldot&search.
- 9 15. Video: John Ritchie, *Pro-Homosexuals Attempt to Rip TFP Sign in Newport* (TFP
Student Action video Mar. 19, 2011), [http://www.tfpstudentaction.org/-
what-we-do/street-campaigns/pro-homosexuals-attempt-to-rip-tfp-sign-in-newport.html](http://www.tfpstudentaction.org/-
what-we-do/street-campaigns/pro-homosexuals-attempt-to-rip-tfp-sign-in-newport.html)
.
- 10 16. Video: Gays Interrupt Mount Hope Church Service in Lansing Michigan (YouTube
video clip of FoxNews coverage).
- 11 17. Video: Radical Gays Storm Church! (YouTube video clip of local NBC affiliate news
coverage), <http://www.youtube.com/watch?v=yzFyPnvz-iI>.
- 12 18. Video: Home Invasion: Vote No on Prop 8 (YouTube video posted by
CourageCampaign, Oct. 31, 2008), <http://www.youtube.com/watch?v=q28UwAyzUkE>.
- 13 19. Video: Gay Marriage Mormon Church Protest NYC (YouTube video posted by Gllafc,
Nov. 14, 2008), <http://www.youtube.com/watch?v=PvdDoLeFXh0&feature=related>.
- 14 20. Video: Mormon Temple Los Angeles —Target of Gay Anger & Mob—LGBT
Protest—Join the Impact LA (YouTube video posted by Vintageyellow71, Nov. 7,
2008), <http://www.youtube.com/watch?v=GxagcNFyHyc&feature=related>.
- 15 21. Video: No on Prop 8 Protest at Mormon Church, Front Gate 11/6/08 (YouTube video
posted by MarcoMoonTV, Nov. 6, 2008), [http://www.youtube.com/watch?v=P4m-
5yUhrXj0&feature=related](http://www.youtube.com/watch?v=P4m-
5yUhrXj0&feature=related).
- 16 22. Video: Margaret Cho sings at California No on 8 rally (YouTube video posted by

1 rtwinters, Nov. 24, 2008),
 2 http://www.youtube.com/watch?v=3S9WLHWslcc&feature=player_embedded.

3 23. Video: Protest Song (Mormon) (YouTube video posted by mcho88, Nov. 19, 2008),
 4 http://www.youtube.com/watch?v=gGPIDsHee-0.

5 24. Video: Margaret Cho @ Prop 8 Protest—Cincinnati, OH, (YouTube video posted by
 jasontphx Nov 15, 2008), http://www.youtube.com/watch?v=rojt9DUyJ-
 gM&feature=related.

6 25. Video: Palm Springs Prop 8 Rally Turns Ugly (YouTube video posted by
 PSConfidential, Apr. 30, 2009), http://www.youtube.com/watch?v=znXHJQSX78o.

7 26. Video: Ruth and Orit Interview (YouTube video posted by SpeakUpUniversity, Feb. 7,
 8 2011), http://www.youtube.com/watch?v=mm7-6Pw_vk0&feature=player_embedded.

9 27. Video: Speak Up, *Georgia Tech's Speech Code Declared Unconstitutional*,
 10 http://www.speakupmovement.org/StudentStories/Details/23219 (last visited June 29,
 2011).

11 28. Video: Ruth and Orit Interview Q & A #4, (YouTube video posted by
 12 SpeakUpUniversity on Feb 7, 2011),
 http://www.youtube.com/watch?v=4RDBxBHNU2k (last visited June 22, 2011).

13 29. Video: Speechless: Silencing the Christians (YouTube video posted by
 14 ThomasMoreLawCenter, Nov. 26, 2008),
 http://www.youtube.com/watch?v=6ij3z8wR3YE&feature=player_embedded.

15 30. Video: Speechless: Silencing the Christians - The Crystal Dixon Story (Thomas More
 16 Law Center), http://www.thomasmore.org/qry/page.taf?id=26.

17 31. Thomas M. Messner, *The Price of Prop 8*, Heritage Foundation Backgrounder, No.
 18 2328, Oct. 22, 2009, available at http://www.heritage.org/research/family/bg2328.cfm.

19 32. News report: John-Thomas Kobos, *Proposition 8 Email Threats*, KFSN-TV, Nov. 7,
 20 2008, http://abclocal.go.com/kfsn/story?section=news/local&id=6494921.

21 33. News report: Andres Araiza, *Prop 8 Threat: Fresno Police Close to Arrest*, ABC-30
 22 KFSN-TV, Oct. 31, 2008,
 http://abclocal.go.com/kfsn/story?section=news/local&id=6479879.

23 34. Copy of a threatening communication to Fresno mayor and pastor.

24 35. News report: Amanda Perez, *Prop 8 Death Threats*, ABC Fresno, Oct. 31, 2008,
 25 http://abclocal.go.com/kfsn/story?section=news/local&id=6479861&pt=print.

26 36. News report: CBS47, *Proposition 8 Death Threats*, Oct. 31, 2008,
 www.cbs47.tv/news/local/story/Proposition-8-Death-Threats/iQyK1E0C30aNjdD0tVY-
 MJA.cspx.

27 37. News report: Adrienne S. Gaines, *Radical Gay Activists Seek to Intimidate Christians*,
 28 Charisma Mag., Nov. 19, 2008, www.charismamag.com/index.php/news/19444.

38. News report: Colleen Raezler, *O'Reilly Alone Reports Gay Attack on Christians*,
 Culture and Media Institute (Nov. 19, 2008), http://www.mrc.org/cmi/articles/2008-
 /O'Reilly_Alone_Reports_Gay_Attack_on_Christians_.html.

1 39. News report: KTVU, *Anger over Prop. 8 Erupts in San Francisco*, Nov. 14, 2008,
 2 <http://www.ktvu.com/print/17986914/detail.html>.

3 40. News report: Patrick B. Craine, *Pro-marriage New York Senator Faces Death Threats,*
 4 *Barraged with Hate Calls*, Life Site News, June 7, 2011,
 5 <http://www.lifesitenews.com/news/pro-marriage-new-york-senator-faces-death-threats-barraged-with-hate-calls/>.

6 41. News report: Andrew S., *New York City: TNG Writing Contest Alert – “Fuck Ruben*
 7 *Diaz: Gay Erotica Featuring NYC’s Number One Bigot*, May 24, 2011,
 8 <http://thenewgay.net/2011/05/enter-ruben-diaz-fan-fiction-contest.html>.

9 42. News report: *Question 1 Backers Receive Death Threats, Former Homosexual Leader*
 10 *Says They Should Not Live in Fear*, EWTN, Nov. 16, 2009,
 11 <http://www.ewtn.com/vnews/getstory.asp?number=98825>.

12 43. News report: Karen S. Peterson, *Man Behind the Marriage Amendment*, USA Today,
 13 Apr. 12, 2004, http://www.usatoday.com/life/people/2004-04-12-matt-daniels_x.htm.

14 44. Posting of JohnBisceglia, Referendums & Amendments—This Has to Stop NOW!, to
 15 Queer Equality Revolution, Aug. 3, 2011,
 16 <http://gaytaxprotest.blogspot.com/2009/08/gays-who-make-sense.html>.

17 45. News report: Krista Gesaman, *Threats, Legal Action in Washington’s Gay-Marriage*
 18 *Debate*, Newsweek, Sept. 8, 2009,
 19 <http://blog.newsweek.com/blogs/thegaggle/archive/2009/09/08/threats-legal-action-in-washingtons-gay-marriage-debate.aspx>.

20 46. **REDACTED** Op-Ed., *Gays Are Not the Nation’s New African Americans*, Seattle
 21 Times
 22 **REDACTED**

23 47. News report: Casey Sanchez, *Anti-Gay Movement of Immigrant Fundamentalist*
 24 *Christians Threatens Western States*, AlterNet, Oct. 5, 2007,
 25 <http://www.alternet.org/rights/64336/?page=4>.

26 48. News report: Caryle Murphy & Hamil R. Harris, *Thousands Rally on the Mall To*
 27 *Protest Same-Sex Marriage*, Wash. Post, Oct. 16, 2004, at B01, available at
 28 <http://www.washingtonpost.com/ac2/wp-dyn/A36814-2004Oct15>.

29 49. News report: Janet I. Tu, *Outspoken Pastor a Spiritual Bulldozer?*, Seattle Times, May
 30 5, 2005,
 31 http://seattletimes.nwsource.com/html/localnews/2002263363_hutcherson05m.html.

32 50. News report: Lynn Thompson, *Mount Si’s Gay-Rights Day of Silence Is Far from Quiet*,
 33 Seattle Times, Apr. 26, 2008,
 34 http://seattletimes.nwsource.com/html/eastsidenews/2004374870_dayofsilence26e.html.

35 51. News report: Lynn Thompson, *Mount Si’s Gay-Rights Day of Silence Is Far from Quiet*,
 36 Seattle Times, Apr. 26, 2008,
 37 <http://seattletimes.nwsource.com/ABPub/zoom/html/2004374873.html> (“Throw Rocks
 38 Here” picture).

39 52. News report: Seth Hemmelgarn, *Prop 8 Fight Gets Ugly on Both Sides*, Bay Area Rep.,
 40 Oct. 16, 2008, <http://www.ebar.com/news/article.php?sec=news&article=3403>.

1 53. News report: Catholic News Agency, *Attack Outside of Catholic Church Part of "Wave*
 2 *of Intimidation," Says Yes on 8*, Oct. 15, 2008,
 3 <http://www.catholicnewsagency.com/new.php?n=14069>.

4 54. Press Release, ProtectMarriage.com, *Prop. 8 Supporter Violently Attacked for*
 5 *Distributing Lawn Signs*, Oct. 13,
 6 2008,[http://www.protectmarriage.com/article/prop-8-sup-](http://www.protectmarriage.com/article/prop-8-supporter-violently-attacked-for-distributing-lawn-signs)
 7 [porter-violently-attacked-for-distributing-lawn-signs](http://www.protectmarriage.com/article/prop-8-supporter-violently-attacked-for-distributing-lawn-signs).

8 55. News report: David Markland, *Prop 8 Supporter Attacked While Distributing Signs*,
 9 NBC Los Angeles, Jan. 7, 2008,
 10 [http://www.nbclosangeles.com/news/politics/Prop_8_supporter_attacked-while_distributing_signs_LA.html](http://www.nbclosangeles.com/news/politics/Prop_8_supporter_attacked_while_distributing_signs_LA.html).

11 56. TFP Student Action, Who We Are, [http://www.tfpstudentaction.org/about-us/who--we-are/who-we-are.html](http://www.tfpstudentaction.org/about-us/who-we-are/who-we-are.html) (last visited June 14, 2011).

12 57. News report: Bob Ellis, *Homosexual Activists Assault Pro-Marriage Demonstration*,
 13 Dakota Voice, Mar. 29, 2011,
 14 [http://www.dakotavoice.com/2011/03/homosexual-activists-assault-pro-marriag-e-demonstration/](http://www.dakotavoice.com/2011/03/homosexual-activists-assault-pro-marriage-demonstration/).

15 58. News report: Brad Shannon, *Vote on Partners Divides County*, The Olympian, Oct. 18,
 16 2009, [http://www.theolympian.com/2009/10/18/v-print/1006573/vote-on-partners- divides-county.html](http://www.theolympian.com/2009/10/18/v-print/1006573/vote-on-partners-divides-county.html).

17 59. News report: Barbara Giasone, *Five Held on Suspicion of Stealing "Yes" on Prop. 8 Signs*, Orange County Reg., Oct. 21, 2008,
 18 <http://www.ocregister.com/articles/signs-macdonald-five-2201253-fullerton-sign>.

19 60. News report: *Sheriff: Prop. 8 Signs Being Stolen, Burned*, KCRA Sacramento, Oct. 20,
 20 2008, <http://www.kcra.com/news/17758850/detail.html>.

21 61. News report: Anthony Scorci, *Sacto 9-1-1: Arrests Made in Roseville after Yes on Proposition 8 Signs Found in Car*, Oct. 28, 2008,
 22 <http://blogs.sacbee.com/crime/archives/2008/10/post-13.html>.

23 62. News report: Salvador Hernandez, *Prop. 8 Sign-Stealing Ignites Free Speech Debate*,
 24 Orange County Reg., Oct. 30, 2008,
 25 <http://www.ocregister.com/articles/signs-stolen-people-2211707-proposition-signam>.

26 63. News report: Chris Daines, *Dana Point Man Will Keep Replacing Downed Signs Favoring Prop.8*, Orange County Reg., Oct. 31, 2008,
 27 <http://www.ocregister.com/articles/sign-vogeler-put-2213420-signs-down>.

28 64. News report: *Prop. 8 Passage Spawns Protests, Violence and Vandalism*, Christian Examiner, Dec. 2008,
 29 www.christianexaminer.com/Articles/Articles%20Dec08/Art_Dec08_09.html.

65. News report: Aaron Bruner, *Prop 8 Supporters Face Sign Theft, Vandalism*, California Aggie, Oct. 29, 2008, <http://theaggie.org/article/1747>.

66. News report: Bob Banfield, *Neighborhood Vandalized Over Prop 8*, KABC-TV, Oct. 31, 2008,
 29 http://abclocal.go.com/kabc/story?section=news/local/inland_empire&id=6482810&pt=print.

1 67. News report: Rob McMillan, *Anti-Prop 8 Vandals Hit Alta Loma Home*, KABC-TV,
 2 Oct. 25, 2008,
 3 http://abclocal.go.com/kabc/story?section=news/local/inland_empire&id=6470557.

4 68. News report: *Vandals Strike Prop 8 Homes in SJ*, KGO-TV, Oct. 27, 2008,
 5 http://abclocal.go.com/kgo/story?section=news/local/south_bay&id=6472609&pt=print.

6 69. News report: *Vandals Target Prop 8 Supporters in NorCal*, KCAL-9, Oct. 28, 2008,
 7 <http://cbs2.com/local/Proposition.8.Vandalism.2.850469.html>.

8 70. News report: *San Jose Couples' Homes Spray Painted with "No on 8,"* KNEWS Radio,
 9 Oct. 28, 2008, <http://www.knewsradio.com/node/5965>.

10 71. News report: Barbara Giasone, *Vandals Spray Paint Signs in Downtown Fullerton*,
 11 Orange County Reg., Oct. 20, 2008,
 12 <http://www.ocregister.com/articles/macdonald-one-police-2200383-paintvandals>.

13 72. News report: *Seattle: Bash Back! Trashes Anti-Queer Christian Conference*, Apr. 20,
 14 2009, <http://news.infoshop.org/article.php?story=20090420151738983>.

15 73. Puget Sound Anarchists, *Anarchist Activity In The Pacific Northwest, 2007-2010*, Dec.
 16 29, 2010, <http://pugetsoundanarchists.org/node/84>.

17 74. News report: *Vandals Egg Downtown Fresno Church*, KFSN-TV, Oct. 28, 2008,
 18 <http://abclocal.go.com/kfsn/story?section=news/local&id=6473251&pt=print>.

19 75. News report: Meredith May, *Vandals Desecrate Pro-Gay Catholic Church*, S.F. Chron.,
 20 Jan. 6, 2009,
 21 <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/01/06/BA5B1540PH.DTL>.

22 76. News report: *Prop 8 Protestors Vandalize Church*, S.F. News, Jan. 4, 2009,
 23 http://abclocal.go.com/kgo/story?section=news/local/san_francisco&id=6584961.

24 77. News report: *Church Vandalized With 'No On 8' Tags*, Free Republic, Nov. 8, 2008
 25 <http://www.freerepublic.com/focus/f-news/2128519/posts>.

26 78. News report: Sandra Yi & Andrew Adams, *Number of LDS Churches Vandalized
 27 Increases to 7*, KSL.com, Nov. 11, 2008,
 28 <http://www.ksl.com/?nid=148&sid=4762579&autostart=y>.

29 79. News report: Ben Winslow, *Graffiti at LDS Chapel Treated as a Hate Crime*, Deseret
 30 News, Nov. 24, 2008,
 31 <http://www.deseretnews.com/article/705264608/Graffiti-at-LDS-chapel-treated-as-a-hate-crime.html>.

32 80. News report: *Vandals Arrange Prop. 8 Signs into Swastika*, KCAL-9, Nov. 7, 2008,
 33 <http://cbs2.com/local/Proposition.8.Vandalism.2.859176.html>.

34 81. News report: Chelsea Phua, *Mormon Church in Orangevale Vandalized in Wake of
 35 Prop. 8 Vote*, Sacramento Bee, Nov. 9, 2008, available on Westlaw at 2008 WLNR
 36 26189882.

37 82. Posting by Renman, *Feds Investigate Vandalism at Mormon Sites*, Renaissance Man,
 38 Nov. 17, 2008,
 39 <http://renman.blogspot.com/2008/11/feds-investigate-vandalism-at-mormon.html>.

1 83. Press Release, Alliance Defense Fund, ADF Files Suit Against Radical Group that
 2 Invaded Mich. Church, May 13, 2009,
 3 <http://www.alliancedefensefund.org/Home/ADFContent?cid=4944>.

4 84. Complaint, *Mount Hope Church v. Bash Back*, No. 1:09-cv-00427 (W.D. Mich. filed
 5 May 13, 2009), Exhibits 2, 3.

6 85. Posting, Fuck You Mormons, <http://www.afterfaith.com/?p=442> (Nov. 5, 2008, 07:29
 7 AM).

8 86. News report: Matt Barbar, *Counterfeit Marriage and its Counterfeit Movement*, World
 9 Net Daily, Nov. 14, 2008,
 10 <http://www wnd com/index.php?fa=PAGE.view&pageId=80924>.

11 87. News report: Charlie Butts & Jody Brown, *Violence Urged Against Marriage
 12 Supporters*, One News Now, Nov. 6, 2008,
 13 <http://www.onenewsnetwork.com/Culture/Default.aspx?id=313074>.

14 88. News report: Jim Carlton, *Gay Activists Boycott Backers of Prop 8*, Wall St. J., Dec. 27,
 15 2008, <http://sec.online.wsj.com/article/SB123033766467736451.html>.

16 89. News report: Maggie Gallagher, *Above the Hate*, Town Hall, Nov. 25, 2008 (internal
 17 quotations omitted),
 18 http://townhall.com/columnists/maggiegallagher/2008/11/25/above_the_hate/page/full/.

19 90. News report: Matthai Kuruvila, *Mormons Face Flak for Backing Prop. 8*, S.F. Chron.,
 20 Oct. 27, 2008,
 21 http://articles.sfgate.com/2008-10-27/bay-area/17137948_1_mormons-salt-lake-city-bas
 22 ed-church-ballot-measure.

23 91. Editorial, *The Prop 8 Campaign Money*, N.Y. Times, Nov. 29, 2008,
 24 http://www.nytimes.com/2008/11/29/opinion/29sat2.html?_r=3&th&emc=th.

25 92. Posting, *Californians Against Hate, Sworn Complaint Filed Against Mormon Church
 26 with California FPPC and 2 State Attorneys General*, Nov. 13, 2008,
 27 <http://californiansagainsthate.blogspot.com/2008/11/sworn-complaint-filed-against-mor>
 28 mon.html.

29 93. Editorial, *Prop. 8's Battle Lessons*, L.A. Times, Nov. 11, 2008,
 30 <http://www.latimes.com/news/opinion/editorials/la-ed-marriage11-2008nov11,0,3352846.story>.

31 94. News report: FOXNews, *Several Gay Marriage Ban Protesters Arrested in Clashes with
 32 Police in California*, Nov. 6, 2008,
 33 <http://www.foxnews.com/story/0,2933,447744,00.html>.

34 95. News report: Pamela Hale-Burns, *Prop. 8 Protest Mostly Peaceful Despite 15 Arrests*,
 35 Long Beach Press-Telegram, Nov. 8, 2008,
 36 www.presstelegram.com/search/ci_10938555.

37 96. News report: CNN, *Same-sex Marriage Rallies Stretch Across Nation*, Nov. 16, 2008,
 38 <http://www.cnn.com/2008/US/11/15/same.sex.marriage/index.html>.

39 97. News report: Wyatt Buchanan, *Prop. 8 Protests Could Become National Movement*, S.F.
 40 Chron., Nov. 15, 2008,
 41 <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/15/MNF0144O0P.DTL>.

1 98. News report: Colin Moynihan, *At Mormon Temple, a Protest Over Prop 8*, N.Y. Times,
 2 Nov. 13, 2008,
 3 [http://cityroom.blogs.nytimes.com/2008/11/13/at-mormon-temple-thousands-protest-p-
 4 prop-8/](http://cityroom.blogs.nytimes.com/2008/11/13/at-mormon-temple-thousands-protest-prop-8/).

5 99. John Wildermuth & Demian Bulwa, *Same-Sex Marriage Backers Hit Capitol, Churches*,
 6 S.F. Chron., Nov. 10, 2008, <http://www.sfgate.com/cgi-bin/article.cgi?f=c/a/2008-11/10/MN4E141B3P.DTL&type=printable>.

7 100. News report: "Kiss-in" Protest Held near Mormon Temple, CBS News, July 14, 2009,
 8 <http://www.cbsnews.com/stories/2009/07/14/national/main5158108.shtml>.

9 101. News report: Kiss-in Protest Is Held Outside Mormon Temple, SignOn San Diego,
 10 July 23, 2009,
 11 <http://www.signonsandiego.com/news/2009/jul/23/short-takes-news-brief-countywide-interest/>.

12 102. News report: Erin Gorski, Anger Over Gay Marriage Vote Directed at Mormons, USA Today, Nov. 13, 2008,
 13 http://www.usatoday.com/news/religion/2008-11-13-Mormon-gay-marriage_N.htm.

14 103. News report: Rioters Graffiti LDS Temple, Nov. 7, 2008,
 15 <http://beetlebabee.wordpress.com/2008/11/07/prop-8-who-has-the-hate/>.

16 104. News report: John Wildermuth, Gay-Rights Activists Protest Prop. 8 at Capitol, S.F. Chron., Nov. 22, 2008,
 17 [http://articles.sfgate.com/2008-11-23/bay-area/20873276_1_same-sex-marriage-gay-ri-
 19 ghts-geoff-kors](http://articles.sfgate.com/2008-11-23/bay-area/20873276_1_same-sex-marriage-gay-ri-18 ghts-geoff-kors).

20 105. News report: Tami Abdollah, L.A. Mormon Temple Closed After Suspicious Envelope Arrives in Mail, L.A. Times, Nov. 14, 2008,
 21 <http://articles.latimes.com/2008/nov/14/local/me-mormon14>.

22 106. News report: Ben Winslow, Powder Scares at 2 LDS Temples, Catholic Plant, Deseret News, Nov. 14, 2008,
 23 [http://deseretnews.com/article/content/mobile/1,5620,705262822,00.html?printView-
 25 =true](http://deseretnews.com/article/content/mobile/1,5620,705262822,00.html?printView-24 =true).

26 107. News report: Martin Wisckol, Prop. 8 Leaders Accuse Foes of Harassment, Intimidation, Orange County Reg., Nov. 14, 2008,
 27 <http://www.ocregister.com/articles/prop-vassos-leaders-2229235-gay-marriage>.

28 108. News report: Ben Winslow, FBI to Run More Tests on Mystery Substance Mailed to LDS Church, Deseret News, Nov. 18, 2008,
 29 [http://www.deseretnews.com/article/70526-
 3982/FBI-to-run-more-tests-on-mystery-substance-mailed-to-LDS-Church.html](http://www.deseretnews.com/article/70526-3982/FBI-to-run-more-tests-on-mystery-substance-mailed-to-LDS-Church.html).

30 109. News report: KMGH, Book of Mormon Set Ablaze on Church Door Step, Nov. 12, 2008, <http://www.thedenverchannel.com/news/17964575/detail.html>.

31 110. News report: Kieran Nicholson, Book of Mormon Burned on Doorstep of Arapahoe LDS Church, Denver Post, Nov. 12, 2008,
 32 http://www.denverpost.com/commented/ci_10964515?source=commented-news.

33 111. News report: LDS First Presidency and Utah's Gay Community Call for Civility over Prop. 8, KSL.com, Nov. 14, 2008,

1 http://www.ksl.com/?nid=148&sid=4794488&pid=1.

2 112. News report: *Bash Back! Trashes Mormon Church in Olympia*, Free Dominion, Nov.
16, 2008, <http://www.freedominion.com.pa/phpBB2/viewtopic.php?p=1261252>.

3 113. Posting of John Bisceglia, Burning Down the Houses of the “Holy,” to Queer Equality
Revolution, July 31, 2009, <http://gaytaxprotest.blogspot.com/2009/01/burning-down-house.html>.

4 114. Posting of John Bisceglia, Cruel Suffering Due to Marriage Inequality, Queer Equality
Revolution, Aug. 3, 2009, <http://gaytaxprotest.blogspot.com/2009/02/cruel-suffering-due-to-marriage.html>.

5 115. News report: *Investigators: Mukilteo LDS Church Fire Was Arson*, KIRO-TV.com,
Oct. 16, 2010, <http://www.kirotv.com/news/25412144/detail.html>.

6 116. News report: Rikki King, *Molotov Cocktail Used in Arson*, Herald (Everett, Wash.),
Nov. 20, 2010, <http://www.heraldnet.com/article/20101120/NEWS01/71119-9833/0/BLOG06>.

7 117. News report: Ben Winslow, *Arson Suspected in LDS Chapel Fire*, Deseret News, May
16, 2009,
<http://www.deseretnews.com/article/705304394/Arson-suspected-in-LDS-chapel-fire.html>.

8 118. News report: *Suspect Sought in Fire at West L.A. Mormon Church*, KTLA.com, June
30, 2010,
<http://www.ktla.com/news/landing/ktla-mormon-church-fire,0,6360738.story>.

9 119. News report: *Vandals Target Mormon Church in West Linn*, KGW News, Sept. 9,
2010,
<http://www.kgw.com/news/Vandals-target-Mormon-church-in-West-Linn-102501689.html>.

10 120. News report: Kim Minugh, *Sacto 9-1-1: Sacramento PD Investigating Anti-Mormon
Vandalism*, Jan. 12, 2010, <http://blogs.sacbee.com/crime/archives/hate-crime/>.

11 121. News report: Josh Peterson, *Richland Police Investigate Vandalism at LDS Temple*,
KVEW TV,
<http://www.kvewtv.com/article/2011/may/13/richland-police-investigate-vandalism-ls-temple/>.

12 122. Editorial: *No Mob Veto*, N.Y. Times, Dec. 5, 2008,
<http://www.article6blog.com/2008/12/05/no-mob-veto-taking-a-stand-on-prop-8-related-violence-and-intimidation/>.

13 123. Letter from Joseph E. Kurtz, Archbishop of Louisville, to Thomas S. Monson,
President of the Church of Jesus Christ of Latter-day Saints (Nov. 21, 2008) (archived
at the U.S. Conference of Catholic Bishops web site, at
<http://www.usccb.org/comm/archives/2008/08-187.shtml>).

14 124. Posting, Rabbi Shifren, *We All Are Mormons*, Nov. 20, 2008
<http://www.lawatchdog.com/RabbiShifren-WeAreAllMormons112008.html>.

15 125. News report: “*We Are All Mormons*,” Proclaims Rabbi Shifren, Nov. 25, 2008,
<http://preservingmarriage.blogspot.com/2008/11/we-are-all-mormons-proclaims-rabbi.html>.

1 html.

2 126. News report: Maureen Mullarkey, *The New Blacklist*, Weekly Standard, Mar. 16,
 3 2009,
 4 <http://www.weeklystandard.com/Content/Public/Articles/000/000/016/252zsbwa.asp?nopager=1>.

5 127. Postings at <http://broadwayworld.com/board/readmessage.cfm?boardid=2-&thread=983640> (last visited June 27, 2011).

6 128. News report: Dominic Holden, *Know They Enemy*, The Stranger, June 2, 2009,
 7 <http://www.thestranger.com/seattle/Content?oid=1635015&mode=print>.

8 129. News report: Maria Armental, *Same-sex Marriage Protesters Assaulted with Food*,
 9 Projo 7 to 7 News Blog, July 29, 2009, <http://newsblJune 24, 2011og.projo.com/2009/07/working-32.html>.

10 130. News report: Mike Adams, *Ask God What Your Grade Is*, Town Hall, Feb. 16, 2009,
 11 http://townhall.com/columnists/mikeadams/2009/02/16/ask_god_what_your_grade_is/page/full/.

12 131. Complaint, *Lopez v. Candaele*, No. 2:09-cv-00995-GHK-FFM, Verified Complaint for
 13 Declaratory and Injunctive Relief, Monetary Damages, and Attorneys' Fees and Costs,
 14 (C.D. Cal. Feb. 11, 2009), *available at*
 15 <http://oldsite.alliancedefensefund.org/userdocs/LopezComplaint.pdf>.

16 132. Press Release, Alliance Defense Fund, ADF Sues University on Behalf of Christian
 17 Student Punished for Opposing Homosexual Adoption, Oct. 30, 2006,
 18 <http://www.adfmedia.org/News/PRDetail/1796?search=1>.

19 133. News report: Jennifer Bonnett, *Galt Attorney: Son Harassed by Teacher Over Proposition 8*, Lodi News-Sentinel, Oct. 30, 2008,
 20 http://www.lodinews.com/news/article_ceab839e-2b32-51d5-a045-320a9422b09b.htm1.

21 134. Press Release, Alliance Defense Fund, E. Mich. Univ. Ousts Student for not Affirming
 22 Homosexual Behavior, April 3, 2009, <http://www.adfmedia.org/News/PRDetail/4087>.

23 135. Press Release, Alliance Defense Fund, Augusta State Univ. to Counseling Student:
 24 Change Your Beliefs or Get Out, July 22, 2010,
 25 <http://www.adfmedia.org/News/PRDetail/4140>.

26 136. News report: *School Counselor Targeted for Supporting Maine's Pro-Marriage Question 1*,
 27 Catholic News Agency, Nov. 3, 2009,
 28 http://www.catholicnewsagency.com/news/school_counselor_targeted_for_supporting_maines_promarriage_question_1/.

29 137. Press Release, Alliance Defense Fund, Complaints Dismissed Against Maine
 30 Counselor Who Supported Marriage, Oct. 30, 2009,
 31 <http://www.adfmedia.org/News/PRDetail/3330>.

32 138. Press Release, Thomas More Law Center, TMLC Retained by University of Toledo
 33 Administrator Fired for Biblical Views Against Homosexuality, May 22, 2008,
 34 http://www.thomasmore.org/qry/page.taf?id=19&_function=detail&sbtblct_uid1=388&_nc=d6dff5d694c7960366577ae35b9c27f.

1 139. Editorial: Crystal Dixon, Op-Ed., *Gay Rights and Wrongs: Another Perspective*,
2 Toledo Free Press, Apr. 18, 2008,
3 <http://www.toledofreepress.com/2008/04/18/gay-rights-and-wrongs-another-perspective/>.

4 140. News report: *Calif. Professor Fired for Homosexual Comments Wins \$100K Settlement*, LifeSiteNews.com, July 26, 2010,
5 <http://www.lifesitenews.com/news/archive/ldn/2010/jul/10072604>.

6 141. News report: Kathleen Gilbert, *U. of Illinois Fires Catholic Prof for Explaining Church Teaching on Homosexuality*, LifeSiteNews.com, July 12, 2010,
7 <http://www.lifesitenews.com/news/archive/ldn/2010/jul/10071205>.

8 142. Email from Dr. Kenneth Howell, professor at University of Illinois Urbana-Champaign, to his students (May 4, 2010, 9:45 PM) (archived at
9 <http://www.lifesitenews.com/news/archive/ldn/2010/jul/10071907>).

10 143. News report: Joe Kovacs, *Kodak Fires Man over "Gay" Stance: 23-Year Veteran of Global Film Giant Objected to Pro-Homosexual Memo*, World Net Daily, Oct. 24, 2002, http://www wnd com/news/article.asp?ARTICLE_ID=29394.

11 144. News report: Ron Strom, *Allstate Terminates Manager over Homosexuality Column*, World Net Daily, June 24, 2005, <http://www wnd com/index php?pageId=30993>.

12 145. Complaint, *Walden v. Center for Disease Control and Prevention*, No. 1:08-cv-2278-JEC-FFM, Verified Complaint for Declaratory Relief and Damages, (N.D. Ga. July 14, 2008), available at <http://oldsite.alliancedefensefund.org/userdocs/WaldenComplaint.pdf>.

13 146. Editorial, *Prop. 8—Boycott, or Blacklist? Shunning Businesses Is One Thing; Intimidation Crosses the Line*, L.A. Times, Dec. 10, 2008,
14 <http://www latimes com/news/opinion/editorials/la-ed-boycott10-2008dec10,0,2703213.story>.

15 147. News report: Rachel Abramowitz and Tina Daunt, *Prop. 8 Rifts Put Industry on Edge*, Nov. 23, 2008, <http://articles latimes com/2008/nov/23/entertainment/et-shunned23>.

16 148. News report: John R. Lott, Jr. and Bradley Smith, Op-Ed, *Donor Disclosure Has Its Downsides: Supporters of California's Prop. 8 Have Faced a Backlash*, Wall St. J., Dec. 26, 2008, <http://online wsj com/article/SB123025779370234773.html>.

17 149. News report: Marcus Crowder, *Theater Felt Growing Pressure Before Artistic Director Quit*, Sacramento Bee, Nov. 12, 2008,
18 <http://www sacbee com/295/story/1390297.html>.

19 150. News report: Jesse McKinley, *Theater Director Resigns Amid Gay-Rights Ire*, N.Y. Times, Nov. 12, 2008, <http://www nytimes com/2008/11/13/theater/13thea.html>.

20 151. News report: Jennifer Garza, *Protests Over Proposition 8 Outcome Getting Personal*, Deseret News, Nov. 13, 2008,
21 <http://deseretnews com/article/content/mobile/1,5620,705262671,00.html>.

22 152. Statement of Scott Eckern Resigning as Artistic Director for California Musical Theatre, Nov. 12, 2008, http://losangeles broadwayworld com/article-Scott_Eckern_Releases_Statement_and_Announces_Resignation_as_Artistic_Director_for_California_Musical_Theatre_20081112.

1 153. News report: Gregg Goldstein, *Richard Raddon Resigns Post*, Hollywood Reporter,
2 Nov. 25, 2008, <http://www.hollywoodreporter.com/news/richard-raddon-resigns-post-123543>.

3 154. News report: Tami Abdollah & Cara Mia DiMassa, *Prop. 8 Foes Shift Attention*, L.A.
4 Times, Nov. 14, 2008, <http://articles.latimes.com/2008/nov/14/local/me-boycott14>.

5 155. News report: Steve Lopez, *Prop. 8 Stance Upends Her Life*, L.A. Times, Dec. 14,
6 2008, <http://articles.latimes.com/print/2008/dec/14/local/me-lopez14>.

7 156. News report: Karen Grigsby Bates, *Backers of Calif. Gay Marriage Ban Face
Backlash*, NPR, Mar. 5, 2009,
8 <http://www.npr.org/templates/story/story.php?storyId=101460517>.

9 157. News report: Greg Gutfeld, *Major Victory for Prop 8 Protestors*, Foxnews.com, Dec.
10 11, 2008, http://www.foxnews.com/printer_friendly_story/0,3566,465413,00.html.

11 158. News report: Steve Lopez, *Choice Words About Prop. 8*, L.A. Times, Dec. 17, 2008,
12 <http://articles.latimes.com/2008/dec/17/local/me-lopez17>.

13 159. News report: Emma Ruby-Sachs, *The Anti-Gay Blacklist*, Huffington Post, Nov. 17,
14 2008,
15 http://www.huffingtonpost.com/emma-rubysachs/the-anti-gay-blacklist_b_144284.html.

16 160. News report: Devin Clerici, *Prop. 8 Foes Aim Their Ire at Lassen's Stores: Owner
Backed Ballot Measure*, Ventura County Star, Nov. 19, 2008,
17 <http://www.venturacountystar.com/news/2008/nov/19/prop-8-foes-aim-their-ire-at-local-lassens/>.

18 161. News report: *Prop. 8 Opponents Protest Ice Cream Parlor*, KCRA.com, Nov. 17,
19 2008, <http://www.kcra.com/politics/17994183/detail.html>.

20 162. News report: Tony Cochran, *Rally Against Prop H8: Manchester Grand Hyatt*,
21 <http://www.indybay.org/newsitems/2008/11/18/18552103.php>.

22 163. News report: Bill Ainsworth, *Gay Rights Groups to Boycott Manchester Grand Hyatt:
Owner Donated to Proposition 8*, San Diego Union-Tribune, July. 10, 2008,
23 <http://www.signonsandiego.com/news/metro/20080710-9999-1m10boycott.html>.

24 164. News report: William M. Welch, *Prop 8 Foes Turn to 'Blacklist' Tactics*, USA Today,
25 Dec. 21, 2008, http://www.usatoday.com/news/nation/2008-12-21-blacklist_N.htm.

26 165. Web site: Boycott A-1 Self Storage, <http://boycotta-1selfstorage.com/> (last visited
27 June 27, 2011).

28 166. News report: Lori Arnold, *Chick-fil-A Target of Gay Rights' Boycott*, Christian
Examiner, Feb. 2011, http://www.christianexaminer.com/Articles/Articles%20Feb11-/Art_Feb11_17.html.

167. Posting: PghLesbian, *Cinemark Responds on CEO \$10,000 Donation to Prop 8, to
Pam's House Blend*, <http://www.pamshouseblend.com/showDiary.do?diaryId=8286>
(Nov 17, 2008, 15:57:20 EST).

168. Facebook Page: Boycott Hoehn Motors,
<http://www.facebook.com/group.php?gid=36271556157#!->

1 /group.php?gid=36271556157&v=info (last visited June 17, 2011).

2 169. *Proposition 8: Who Gave in the Gay Marriage Battle?*, L.A. Times,
 http://projects.latimes.com/prop8 (last visited June 17, 2011).

3 170. News report: Carmel Lobello, *Urban Outfitters Faces Boycott Over Gay Rights*, Death
 and Taxes, June 1, 2011, http://www.deathandtaxesmag.com/96790/urban-outfitters-faces-boycott-over-gay-rights/#1.

4 171. News report: Jonathan Valania, *Clothes Make the Man*, Philadelphia Weekly, June 11,
 2003,
 http://www.philadelphiaweekly.com/news-and-opinion/cover-story/clothes_make_the_man-38368134.html.

5 172. News report: Tony Semerad, *Gay-rights Group, Garff Automotive Meet; Boycott Goes On*, Salt Lake Tribune, Feb. 12, 2009 (archived at
 http://www.sltrib.com/ci_11690618).

6 173. News report: Alison Stateman, *What Happens If You're on Gay Rights' "Enemies List,"* Time, Nov. 15, 2008,
 http://www.time.com/time/nation/article/0,8599,1859323,00.html.

7 174. Posting: *Boycott Mormon Businesses and Anyone Else Who Supported Prop 8*, Daily Kos,
 http://www.dailykos.com/story/2008/11/07/657069-/Boycott-Mormon-businesses-and-Anyone-else-who-Supported-Prop-8?via=search (Nov. 7, 2008, 3:01 PM PST).

8 175. News report: Juliet Macur, *For Some Sports Figures, Opinions Have a Price*, N.Y.
 Times, May 11, 2011,
 http://www.nytimes.com/2011/05/12/sports/olympics/gay-marriage-stance-costs-vidmar-olympic-role.html.

9 176. News report: Christine Brennan, *USOC Official Peter Vidmar Resigns After Anti-gay Marriage Actions*, USA Today, May 9, 2011,
 http://www.usatoday.com/sports/olympics/2011-05-06-peter-vidmar-resignation_N.htm.

10 177. News report: Jim Buzinski, *Peter Vidmar, Anti-gay Marriage Advocate, Chief of Mission for U.S. 2012 Olympic Team*, Outsports.com, Apr. 29, 2011,
 http://outsports.com/jocktalkblog/2011/04/29/peter-vidmar-anti-gay-marriage-advocate-chief-of-mission-for-u-s-2012-olympic-team/.

11 178. News report: FOXNews, *Miss California Sparks Furor with Gay Marriage Comments on Miss USA Telecast*, Apr. 20, 2009,
 http://www.foxnews.com/entertainment/2009/04/20/miss-california-sparks-furor-gay-marriage-comments-miss-usa-telecast/.

12 179. News report: Benoit Denizet-Lewis, *The Real Perez Hilton*, Advocate, Aug. 2009,
 http://www.advocate.com/printArticle.aspx?id=83093.

13 180. News report: Colleen Carroll Campbell, *Attacks on Miss California Reveal Intolerance of Gay-Rights Activists' Point of View: Beauty Queen Is Latest Target of a Campaign to Silence Critics of Same-Sex Marriage*, St. Louis Post-Dispatch, Apr. 30, 2009, at A17, available at http://www.stltoday.com/news/opinion/editorial/article-2c7c2ec5-c5a9-58a8-94cc-e2fd52762512.html.

1 181. News report: Lara Ellington-Brown, *Alan Duncan Defends Miss California Murder*
 2 *Quip*, First Post (London), Apr. 27, 2009,
 3 <http://www.thefirstpost.co.uk/47185,people,news,alan-duncan-defends-miss-california>
 4 -murder-quip.

5 182. News report: ABCNews, *Perez Hilton "Floored" by Miss California* (Apr. 20, 2009),
 6 <http://abcnews.go.com/Entertainment/Television/Story?id=7381893&page=2>.

7 183. Web site: EightMaps.com, <http://www.eightmaps.com/Second> (last visited June 20,
 8 2011).

9 184. Web site: Screen shots of [eightmaps.com](http://www.eightmaps.com).

10 185. News report: Brad Stone, *Prop 8 Donor Web Site Shows Disclosure Law Is 2-Edged Sword*, N.Y. Times, Feb. 8, 2009,
 11 <http://www.nytimes.com/2009/02/08/business/08stream.html>.

12 186. News report: John Diaz, *The Ugly Backlash Over Proposition 8*, S.F. Chron., Nov. 23,
 13 2008,
 14 <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/23/INOQ147155.DTL>.

15 187. News report: *Prop. 8 Anger Spurs Donor Blacklists*, CBS News, Nov. 13, 2008,
 16 <http://www.cbsnews.com/stories/2008/11/13/eveningnews/main4601227.shtml>.

17 188. Web site: You Can't Hide Your Hate, <http://youcanthideyourhate.blogspot.com/> (last
 18 visited June 21, 2011).

19 189. Editorial, *Outing Prop. 8 Donors*, Press-Telegram (Long Beach), Dec. 1, 2008,
 20 <http://www.presstelegram.com/fdcp?1228505265584>.

21 190. Posting: Rights Equal Rights, Californians Against Hate, July 8, 2010,
 22 <http://www.californiansagainsthate.com/>.

23 191. Web site: Fight the Right Wing Nuts, Jan. 8, 2009,
 24 <http://fighttherightwingnuts.blogspot.com/2009/01/pro-h8-bigots-who-donated-in-palo-alto.html>.

25 192. Web site: KnowThyNeighbor, June 22, 2010, <http://knowthyneighbor.org/>.

26 193. Web site: The Mormons Stole Our Rights, Nov. 7, 2008,
 27 <http://y-oh-y.blogspot.com/2008/11/mormons-stole-our-rights.html>.

28 194. Web site: Mormonsfor8, Jun. 22, 2011,
 29 <https://spreadsheets.google.com/pub?key=pe2023SzWXxE8wYX5qWeoIw>.

30 195. Web site: Mormons For 8 Donors, *Mormons For Proposition 8 Donors*, June 17,
 31 2011, <http://mormonsfor8.com/>.

32 196. Web site: StopTheMormons, June 22, 2011, <http://www.stopthemormons.com/>.

33 197. Web site: Anti-gay Blacklist, Rick Wagner,
 34 <http://www.oaklawnrick.com/styled/page13/> (last visited June 21, 2011).

35 198. Web site: AntiGay Blacklist of Donors, *Protect All Marriage*,
 36 http://protectallmarriage.blogspot.com/2008_11_09_archive.html (last visited June 21,
 37 2011).

1 199. Posting of Bluebear, Take Your Zamboni and Shove It.... Individuals/organizations
 2 That Funded Prop 8, to DemocraticUnderground.com,
 3 [http://www.democraticunderground.com/discuss/duboard.php?az=view_all&address=](http://www.democraticunderground.com/discuss/duboard.php?az=view_all&address=389x4531606)
 4 389x4531606 (Nov. 25, 2008, 4:05 AM).

5 200. Web site: *Proposition 8 Contributions*, S.F. Chron.,
 6 <http://www.sfgate.com/webdb/prop8/> (last visited June 17, 2011).

7 201. Web site: Queer United: Washinton Decline to Sign Referendum 71, May 23, 2009,
 8 <http://queersunited.blogspot.com/2009/05/washington-decline-to-sign-ref.com>.

9 202. Web site: Review of Leatherby's Family Creamery,
 10 <http://www.insiderpages.com/b/3711178877/leatherbys-family-creamery-sacramento>
 11 (last visited June 17, 2011).

12 203. Web site: Inbox Influence, <https://inbox.influenceexplorer.com/> (last visisted June 17,
 13 2011).

14 204. News report: George Will, *Liberal Intimidation on Referendum 71*, Kitsap Sun, Oct.
 15 31, 2009,
 16 <http://www.kitsapsun.com/news/2009/oct/31/george-will-liberal-intimidation-on-referendum/>.

17 205. News report: Jerry Cornfield, *Tea Party Activist Runs for Seat in Legislature*, Herald
 18 (Everett, Wash.), Aug. 23, 2009,
 19 <http://www.heraldnet.com/article/20090823/NEWS01/708239842>.

20 206. Declaration of Sarah Troupis in Supp. of Def.-Intervenors' Mot. for Protective Order,
 21 *Perry v. Schwarzenegger*, No. 3:09-cv-2292 (No. 187-13) (N.D. Cal. Sep. 15, 2009).

22 207. Web site: Revoke LDS Church 501(c)(3) Status, <http://lds501c3.wordpress.com/> (Oct.
 23 29, 2008).

24 208. Web site: Equal Rights Washington, About Us,
 25 http://www.equalrightswashington.org/?page_id=7 (last visited June 22, 2011).

26 209. Web site: Revoke the Mormon Church's Tax-Exempt Status,
 27 <http://www.dailycos.com/story/2008/11/07/656566/-Revoke-the-Mormon-Churhcs-Tax-Exempt-Status> (Nov. 7, 2008, 5:55 AM PST).

28 210. Web site: Revoke LDS Tax Status, http://www.freethoughtpedia.com/wiki/Revoke_LDS_tax_status (last visited June 14, 2011).

211. Web site: Public Disclosure Commission, *Cash Contributions for: PROTECT MARRIAGE WA*,
 22 <http://www.pdc.wa.gov/MvcQuerySystem/CommitteeData/contributions?param=UFJPVE1XIDIyMw====&year=2009&type=continuing>.

23 212. Web site: Public Disclosure Commission, *Cash Contributions for: VOTE REJECT ON R-71*,
 24 <http://www.pdc.wa.gov/MvcQuerySystem/CommitteeData/contributions?param=Vk9URVI3MTAzMQ====&year=2009&type=initiative>.

25 213. Web site: Public Disclosure Commission, *Cash Contributions for: HUMAN RIGHTS CAMPAIGN APPROVE REFERENDUM 71 PAC*,
 26 <http://www.pdc.wa.gov/MvcQuerySystem/CommitteeData/contributions?param=SFV>

1 NQVJDIDAzNg====&year=2009&type=initiative.

2 214. Web site: Public Disclosure Commission, *Cash Contributions for: WA FAMILIES*
STANDING TOGETHER,
<http://www.pdc.wa.gov/MvcQuerySystem/CommitteeData/contributions?param=V0FTSEZTIDEwMg====&year=2009&type=initiative>.

3 215. News report: A Note From the Editors, Synapse (San Francisco), Dec. 4, 2008,
<http://synapse.ucsf.edu/articles/2008/december/04/editorsnote.html>.

4 216. News report: Associated Press, *Some Gay-Rights Foes Claim They Now Are Bullied*,
June 12, 2011,
<http://www.foxnews.com/politics/2011/06/12/some-gay-rights-foes-claim-now-are-bullied/#ixzz1Q4AghWEc>.

5 217. News report: Bret Evans & Jeff Krehely, *Voters as Victims: A Right-Wing Sleight of*
Hand, Center for American Progress, Apr. 27, 2010,
http://www.americanprogress.org/issues/2010/04/voters_victims.html.

6 218. Posting: **REDACTED** *Gay Marriage Stance*, Aug. 6, 2010, (YouTube Video
posted by [ElizabethForUS](#)).

7 219. Comment of John Bisceglia, Comment No. 6 to Queerty, May 6, 2009,
<http://www.queerty.com/repealing-washingtons-domestic-partnership-laws-will-fail-20090506/>.

8 220. Web site: AntiGayBlacklist, Nov. 24, 2010, <http://antigayblacklist.com>.

9 221. News report: Sophia Pearson, *Clement Quits King & Spalding Over Marriage Act*
Decision, Bloomberg, Apr. 25, 2011, <http://www.bloomberg.com/news/2011-04-25-clement-quits-king-spalding-over-marriage-act-decision-2.html>.

10 222. News report: *Clement Breaks with King & Spalding over Marriage Act*, Reuters, Apr.
25, 2011,
<http://www.reuters.com/article/2011/04/25/us-gaymarriage-lawyer-idUSTRE73O4MN20110425>.

11 223. News report: Kevin Cathcart, *DOMA: No Defense, No Excuse*, Huffington Post, Apr.
27, 2011
http://www.huffingtonpost.com/kevin-cathcart/dom-a-no-defense-no-excuse_b_853886.html.

12 224. News report: Dahlia Lithwick, *The Best Offense Is a Good Defense*, Slate, Apr. 26,
2011, <http://www.slate.com/id/2292224/>.

13 225. Posting of John Bisceglia, *It Is Time for Violence Against Property*, to Queer Equality
Revolution, July 28, 2009,
<http://gaytaxprotest.blogspot.com/2009/07/it-is-time-for-violence-against-property.html>.

14 226. News report: Jared Paben & John Stark, *Local Gay Blogger's Web Site Cited as*
Reason to Hide Referendum 71 Donor Names, Bellingham Herald, Aug. 11, 2009,
<http://blogs.bellinghamherald.com/politics/bellingham/local-gay-bloggers-web-site-cited-as-reason-to-hide-referendum-71-donor-names/>.

15 227. Posting of Jimmy Orr, *Miss California Sparks Outrage over Gay Marriage Remarks*, to

1 Christian Science Monitor, Apr. 20, 2009, [features.csmonitor.com](http://features.csmonitor.com/politics/2009/04/20/miss-california-sparks-outrage-over-gay-marriage-remarks),
 2 <http://features.csmonitor.com/politics/2009/04/20/miss-california-sparks-outrage-over-gay-marriage-remarks>.

3 228. Posting: *Washingtonians: Decline to Sign Referendum 71*, May 9, 2009, Pam's House
 4 Blend, <http://www.pamshouseblend.com/diary/10890/washingtonians-decline-to-sign.org>.

5 229. Facebook page: *Decline to Sign Referendum 71*, Facebook, June 12, 2009,
 6 <http://www.facebook.com/event.php?eid=80812303533>.

7 230. Posting: Dan Savage, *Decline to Sign Facebook Message*, June 12, 2009,
 8 http://www.facebook.com/note.php?note_id=199028310423.

9 231. Web site: *Proposition 8: Who Gave in the Gay Marriage Battle?*, L.A. Times,
 10 <http://projects.latimes.com/prop8/donation/77149> (last visited June 28, 2011)
 11 (documenting contribution of Peter Vidmar).

12 232. Referendum 71 Election Result (from the web site of the Washington Secretary of
 13 State).

14 233. Letter from Pastor Nikolay Grishko.

15 234. Letter from Pastor Alexander Sipko.

16 235. Letter from Natalya Bulankina.

17 236. Posting of John Bisceglia, *So What Are We to Do to Protect our Family?* (Sept. 18,
 18 2010, 9:37 AM).

19 237. Email from Larry Stickney to Sheriff John Lovick.

20 238. News Report: Dominic Holden, *Heavy-Handed*, Stranger, May 19, 2009.

21 239. Posting: David Ammons, *Who Signs R-71? Foes May Post it Online*, California
 22 Secretary of State Blogs, June 2, 2009,
 23 <http://blogs.secstate.wa.gov/FromOurCorner/index.php/2009/06/who-signs-r-71-foes-may-post-it-online/>.

24 240. Web site: WhoSigned.org, <http://www.whosigned.org> (last visited July 26, 2009).

25 241. Press Release, KnowThyNeighbor.org, *Whosigned.org Refutes Intimidation Charges; Will Post Names of Petition Signers as Planned*, June 8, 2009.

26 242. News report: Jim Camden, *Outing Referendum Petition Signers Works Both Ways*,
 27 Spokesman-Review, June 7, 2009.

28 243. News report: Richard Roesler, *Group Will Publish Names of Partner-rights Opponents*, Spokesman-Review, June 3, 2009.

244. News report: Lornet Turnbull, *Gay-rights Strategy Raises Issue of Privacy in Democratic Process*, Seattle Times, June 7, 2009.

245. News report: Curt Woodward, *Gay Rights Supporters Plan to Out Referendum Signers*, News Tribune, June 2, 2009.

1 246. Editorial, *Publicizing Petition Signers Will Bring Nothing But Trouble*, Yakima
2 Herald-Republic, June 9, 2009.

3 247. Editorial, *Don't Try to Intimidate People Who Sign Initiative Petitions*, Seattle Times,
4 June 19, 2009.

5 248. Letter to the Editor: Chriten F. Kaufman, *Gay Rights: Group's Action Could Be*
6 *Inflammatory*, News Tribune, June 6, 2009.

7 249. Declarations of John Doe #1 through John Doe #58, filed in Support of Plaintiffs'
8 Motion for Preliminary Injunction in the case of *ProtectMarriage.com, et al. v. Debra*
9 *Bowen, et al.*, No. 2:09-cv-00058 (E.D. Cal.).

10 250. Email from Krystal Mountaine to **REDACTED**.

11 251. News report: Russ Jones, *Cisco Cans Christian Consultant*, OneNewsNow, June 23,
12 2011, <http://www.onenewsnnow.com/Culture/Default.aspx?id=1376678>.

13 252. Press Release, Alliance Defense Fund, *Anarchists that Invaded Mich. Church Lose to*
14 *the Rule of Law*, July 12, 2011,
<http://www.alliancedefensefund.org/News/PRDetail/4974#CurrentNewsRelease>.

15 253. Consent Order Granting Permanent Injunction, *Mount Hope Church v. Bash Back!*,
16 No. 1:09-CV-427 (W.D. Mich. July 11, 2011), available at
<http://www.adfmedia.org/files/BashBackOrderIndiv.pdf>.

17 254. Posting by Bash Back! Lansing, Lansing: A Really Queer Action Nov. 9th!,
<http://oldsite.alliancedefensefund.org/userdocs/BashBackWebPage2.pdf> (Oct. 23,
18 2008, 7:44 PM).

19 255. News report: *Barker Town Clerk Resigns over Same-sex Marriage*, Your News Now,
20 July 12, 2011, http://centralny.ynn.com/content/top_stories/549724/barker-town-clerk-resigns-over-same-sex-marriage/.

21 256. News report: *First Town Clerk Announces Resignation in Light of Gay "Marriage" Legislation*, New Yorkers for Constitutional Freedoms,
22 <http://www.nycf.info/component/content/article/37-home/403-first-town-clerk-announces-resignation-in-light-of-gay-qmarriageq-legislation> (last visited July 16, 2011).

23 257. News report: Dan Wiessner, *New York Town Clerk Quits over Gay Marriage Licenses*,
24 Reuters, July 12, 2011,
<http://www.reuters.com/article/2011/07/12/us-gaymarriage-newyork-resignation-idUSTRE76B7BJ20110712>.

25 258. Web site: Businesses & Organizations that Supported Prop 8, Human Rights
26 Campaign, Nov. 14, 2008, http://www.hrc.org/documents/Prop8_supporters.pdf.

27 259. Web site: Don'tBuyFromBigots.com, <http://www.dontbuyfrombigots.com/> (last
28 visited July 16, 2011).

260. Web site: Boycott: List of Supporters of Prop 8, AfterEllen.com,
<http://www.afterellen.com/node/39787> (last visited July 16, 2011).

261. Posting: Elie Mystral, *Town Clerk in New York Resigns Rather than Enforcing the Law—The 'Gay' Law, of Course*, July 13, 2011,

<http://abovethelaw.com/2011/07/town-clerk-in-new-york-resigns-rather-than-enforcing-the-law-the-gay-law-of-course/>.

262. Four audio recordings of voice mails received by REDACTED

263. "Dear R71" Letter, from Heidi Steinbach.

Dated this 9th day of August, 2011.

Respectfully submitted,

/s/ Jared Haynie

James Bopp, Jr. (Ind. Bar No. 2838-84)*
jboppjr@aol.com
Joseph E. La Rue (Ohio Bar No. 80643)*
jlarue@bopplaw.com
Jared Haynie (Colo. Bar No. 41751)*
jhaynie@bopplaw.com
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434
Counsel for All Plaintiffs
**Pro Hac Vice Application Granted*

Stephen Pidgeon
ATTORNEY AT LAW, P.S.
30002 Colby Avenue, Suite 306
Everett, Washington 98201
(360) 805-6677
Counsel for All Plaintiffs

Pls.' Pretrial Statement
(No. 3:09-CV-05456-BHS)

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807
(812) 232-2434

Certificate of Service

I, Jared Haynie, am over the age of eighteen years and not a party to the above-captioned action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On August 9, 2011, I served the foregoing document, described as Plaintiffs' Pretrial Statement, by emailing a copy of the same to counsel's respective emails below:

(1) Counsel for Defendants Sam Reed and Brenda Galarza:

Anne E. Egeler — anneel@atg.wa.gov

Jay Geck — jayg@atg.wa.gov

William G. Clark — billc2@atg.wa.gov

(2) Counsel for Intervenor Washington Coalition for Open Government:

Steven J. Dixson — sjd@wkdlaw.com

Duane M. Swinton — dms@wkdlaw.com

Leslie R. Weatherhead — lwlibertas@aol.com

(3) Counsel for Intervenor Washington Families Standing Together

Ryan McBrayer — rmcbrayer@perkinscoie.com

Kevin J. Hamilton — khamilton@perkinscoie.com

William B. Staffort — wstafford@perkinscoie.com

Rhonda L. Barnes — rbarnes@perkinscoie.com

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct.

Executed this 9th day of August, 2011.

/s/ Jared Haynie

Jared Haynie

Counsel for All Plaintiffs